UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR 10 AM 10:36

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 0748
v.	**COMPLAINT FOR VIOLATION OF:**
Jose Jesus RAMIREZ Defendant.	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **December 14, 2007**, within the Southern District of California, defendant, **Jose Jesus RAMIREZ,** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **March 2008.**

UNITED STATES MAGISTRATE JUDGE

CSC

PROBABLE CAUSE STATEMENT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer, John Mleczko, declare under penalty of perjury the following to be true and correct:

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On December 14, 2007, the defendant identified as Jose Jesus RAMIREZ was arrested by the United States Border Patrol for illegal entry into the United States. This arrest took place approximately three miles west of the San Ysidro, CA Port of Entry, and approximately one hundred yards north of the United States/Mexico International Border. Record checks revealed that defendant was a parole violator, and therefore a Parole Hold was issued and he was booked into San Diego County Jail for PC 3056 VIOLATION OF PAROLE. On December 18, 2007, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from State custody. On Friday, March 7, 2008, at approximately 8:30 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer John Mleczko reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about December 3, 2007 and physically removed to Mexico on or about December 3, 2007 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jose Jesus RAMIREZ, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the English language at approximately 9:26 a.m. by Deportation Officer John Mleczko as witnessed by Deportation Officer Jesus Robles. The defendant acknowledged his rights per "MIRANDA" and elected to answer questions without counsel present.

The defendant stated that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States on December 14, 2007 through the hills near San Ysidro, CA. The defendant acknowledged that he has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Jose Jesus RAMIREZ has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.

EXECUTED ON THIS **7th** DAY OF **March 2008** AT

John Mleczko
Deportation Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(2) pages**, I find probable cause to believe that the defendant named therein committed the offense on **December 14, 2007** in violation of Title 8, United States Code, Section 1326.

U.S. MAGISTRATE JUDGE

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